

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHER DIVISION

CHERYL MILES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:23 CV 26 CDP
)	
LAKEVIEW BIODIESEL, LLC, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER AUTHORIZING SERVICE

This matter is before me on the unopposed motion of Third-Party Plaintiffs Lakeview Biodiesel LLC and Lakeview Energy LLC (“Lakeview Plaintiffs”) for an Order allowing service of the Third-Party Complaint on Verliant Energy, Inc. to occur via the California Secretary of State in accordance with Cal. Corp. Code § 1702. ECF 53.

As set out in the motion and accompanying memorandum and affidavit (ECF 53, 54, 54-1), the Lakeview Plaintiffs have used reasonable diligence in their attempts to serve by hand Verliant Energy’s designated agent Damian Quinn with service of process to no avail. Specifically, the Lakeview Plaintiffs attempted service at the location listed for the corporation by the California Secretary of State, the address listed for Quinn by the California Secretary of State, as well as additional potential addresses for the corporation and Quinn found in California

and Texas. The Lakeview Plaintiffs have also attempted to contact Quinn by email without success.

Section 1702(a) of the California Corporate Code provides as follows:


If an agent for the purpose of service of process has resigned and has not been replaced or if the agent designated cannot with reasonable diligence be found at the address designated for personally delivering the process, or if no agent has been designated, **and it is shown by affidavit to the satisfaction of the court that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent by hand** in the manner provided in Section 415.10, subdivision (a) of Section 415.20 or subdivision (a) of Section 415.30 of the Code of Civil Procedure **or upon the corporation** in the manner provided in subdivision (a), (b), or (c) of Section 416.10 or subdivision (a) of Section 416.20 of the Code of Civil Procedure, **the court may make an order that the service be made upon the corporation by delivering by hand to the Secretary of State**, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, **one copy of the process for each defendant to be served, together with a copy of the order authorizing such service.**

Cal. Corp. Code § 1702 (emphasis added). Because the Lakeview Plaintiffs have satisfied the criteria of the statute, I will grant the motion and permit service in the manner requested.

Accordingly,

IT IS HEREBY ORDERED that the Lakeview Plaintiffs' unopposed motion for an Order allowing service of the Third-Party Complaint on Verliant Energy, Inc. to occur via the California Secretary of State [53] is **GRANTED**, and **service of the Third-Party Complaint may be made upon Verliant Energy, Inc. by delivering by hand to the California Secretary of State**, or to any person employed in the

California Secretary of State's office in the capacity of assistant or deputy, **one copy of the process for defendant Verliant Energy, Inc. together with a copy of this Memorandum and Order Authorizing Service.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 31st day of July, 2023.